

Senate Bill No. 389

CHAPTER 56

An act to add Section 2330.3 to, and to add Chapter 6 (commencing with Section 2450) to Part 3 of Division 6 of, the Family Code, relating to family law.

[Approved by Governor June 5, 1996. Filed with
Secretary of State June 6, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 389, Kopp. Family law: dissolution of marriage.

Existing provisions of the Family Code provide for dissolution of marriage, the division of property on dissolution of marriage, and for the custody and support of children. Existing law also provides for a summary dissolution of marriage where there are no children of the marriage, community property assets are less than \$25,000, and other requirements are met.

This bill would enact special procedures for judicial case management, applicable to dissolution actions, upon stipulation of the parties. The bill would authorize the Judicial Council to modify these procedures by rule.

The bill would require all dissolution actions, to the greatest extent possible, to be assigned to the same superior court department for all purposes. The bill would require the Judicial Council to adopt a standard of judicial administration prescribing a minimum length of assignment of a judicial officer to a family law assignment. These provisions would be operative on July 1, 1997.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

The complexity of the process of obtaining marital dissolution and of the law pertaining thereto has precluded persons ending their marriage from being able to afford legal representation, and has required legal services to be performed which are often unnecessary for the particular case. The purposes of the changes made by this act are to expedite, simplify, and make less expensive the process for dissolution of marriage, and to encourage greater judicial supervision of cases involving dissolution of marriage.

SEC. 2. Section 2330.3 is added to the Family Code, to read:

2330.3. (a) All dissolution actions, to the greatest extent possible, shall be assigned to the same superior court department for all purposes, in order that all decisions in a case through final judgment shall be made by the same judicial officer.

(b) The Judicial Council shall adopt a standard of judicial administration prescribing a minimum length of assignment of a judicial officer to a family law assignment.

(c) This section shall be operative on July 1, 1997.

SEC. 3. Chapter 6 (commencing with Section 2450) is added to Part 3 of Division 6 of the Family Code, to read:

CHAPTER 6. CASE MANAGEMENT

2450. (a) The purpose of case management is to provide judicial assistance and management to the parties in actions for dissolution of marriage for the purpose of expediting the processing of the case, reducing the expense of litigation, and focusing on early resolution by settlement.

(b) On motion of a party, or on the court's own motion, the court shall hold a preliminary status conference for the purpose of considering whether case management shall be undertaken and a case management plan ordered. However, no case management plan shall be ordered absent stipulation of the parties, and the case management plan may be terminated at any time upon stipulation of the parties or order of the court.

(c) On stipulation of the parties, the court shall order a case management plan as provided in Section 2451.

2451. A court-ordered case management plan, as stipulated by the parties, may include all of the following:

(a) Early neutral case evaluation.

(b) Alternative dispute resolution.

(c) Limitations on discovery, including temporary suspension pending exploration of settlement. There is a rebuttable presumption that an attorney who carries out discovery as provided in a case management plan has fulfilled his or her duty of care to the client as to the existence of community property.

(d) Use of telephone conference calls to ascertain the status of the case, encourage cooperation, and assist counsel in reaching agreement. However, if the court is required to issue an order other than by stipulation, a hearing shall be held.

(e) Use of telephone conference calls for hearing contested motions. These conference call hearings shall be recorded by a court reporter.

(f) Modification or waiver of the requirements of procedural statutes.

(g) The powers of the judicial officer who is managing the case under the case management plan.

(h) A requirement that any expert witness be selected by the parties jointly or be appointed by the court. However, if at any time the court determines that the issues for which experts are required

cannot be settled under these conditions, the court shall permit each party to employ his or her own expert.

(i) Bifurcation of issues for trial.

(j) A case management plan pursuant to subdivision (d) of Section 2032 or subdivision (b) of Section 2034.

(k) Any other matters.

2452. The Judicial Council may, by rule, modify the procedures set forth in this chapter.

